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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,107	07/12/2000	Dillis V. Allen	G-33	1565
7590 09/02/2004				
DILLIS V ALLEN, ESQ. 105 S ROSELLE ROAD SUITE 101 SCHAUMBURG, IL 60193			EXAMINER BLAU, STEPHEN LUTHER	
			ART UNIT 3711	PAPER NUMBER

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,107

Applicant(s)

ALLEN, DILLIS V.

Examiner

Stephen L. Blau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-9 and 20 is/are allowed.
6) ☒ Claim(s) 10-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1. The request filed on 29 September 2003 for a Request for Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 09/614,107 is acceptable and a RCE has been established. An action on the RCE follows.

Specification

2. The abstract stands objected to. The abstract submitted on 29 September 2003 exceeds 150 words in length (See 37 CFR 1.72). A new abstract of the disclosure is required and must be at a proper length. Correction is required. See MPEP § 608.01(b).

3. The change to the claim is agreed with and the objection to the specification under 37 C.F.R. article 1.71 is removed.

Drawings

4. The changes to claims 10-12 are agreed with and the objection to under 37 CFR 1.83(a) is removed.

Claim Rejections - 35 USC § 112

5. The changes to claims 1, 4 and 20 are agreed with and the rejections to claims 1-9 and 20 under 35 U.S.C. 112, second paragraph, are removed.
6. The change to claim 10 is agreed with and the rejection to claims 10-12 under 35 U.S.C. 112, first paragraph, is removed.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Official Notice.

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Shaw discloses a line of clubs comprising a plurality of heads (abstract, Col. 2, Lns. 39-59) being standardized within the line in the form of only selecting a different face piece component (Col. 2, Lns. 13-24), a perimeter wall in the form of a wall surrounding a cavity for a face insert (Fig. 29), a face wall receiving element in the form of a cavity for a face insert (Fig. 29), a plurality of interchangeable during manufacture different modulus of elasticity face walls (Col. 2, Lns. 13-24) fixed to the body face wall receiving element (Col. 4, Lns. 23-28), and face walls having progressively increasing thickness in a line in the form different experience golfers require different thickness/weight distributions (Col. 3, Lns. 64 through Col. 4, Ln. 18). Clearly changing the thickness at a location on a face piece would also change the modulus of elasticity at that location.

The examiner takes Official Notice that it is well known in the art to have shafts connected to heads.

9. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elmer in view of Shaw and Dill.

Elmer discloses a head body having a wall receiving element (Fig. 2), a plurality of interchangeable (Col. 6, Lns. 1-4) different characteristic face walls in the form of different material (Col. 5, Lns. 8-15) fixed to a wall receiving element in order to meet the requirements of different golfers by changing the striking characteristics (Col. 5, Lns. 56 through Col. 6, Lns. 12).

Elmer lacks the striking characteristics being modulus of elasticity, a line of clubs, a perimeter wall, a shaft, and face walls having progressively increasing

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thickness in a line. Shaw discloses a line of clubs (abstract), selecting face piece material based on flexural modulus (Col. 2, Lns. 13-24) and face walls having progressively increasing thickness in a line (Col. 3, Lns. 64 through Col. 4, Ln. 18) in order to suit the attributes of a specific golfer (Col. 1, Lns. 60-64). Clearly changing the thickness at a location on a face piece would also change the modulus of elasticity at that location. In view of the patent of Shaw it would have been obvious to modify the head of Elmer to have interchangeable face wall each having a different modulus of elasticity and face walls having progressively increasing thickness in a line in order to suit the attributes of a specific golfer. In view of the patent of Shaw it would have been obvious to include in the head of Elmer a line of clubs each with a different face wall in order to simplify the selection process by not have to replace the face wall each time a club is being tested out for the purpose of selecting a club to buy or use. Dill discloses a face wall attached to a body (Fig. 1) which is hollow (Col. 4, Lns. 45-65) and a shaft (70). In view of the patent of Dill it would have been obvious to modify the head of Elmer to be hollow in order to form a light weight head. As such the head of Elmer would have a perimeter wall. In view of the patent of Dill it would have been obvious to include in the head of Elmer a shaft in order to increase the velocity of a head at impact.

10. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Shaw.

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Lu discloses a perimeter wall, an abutment wall spaced from and immediately behind the face wall, a gap between an abutment wall and a face wall being between .01-.30 inches (Col. 6, Lns. 20-26), and an interchangeable during manufacture face wall with different characteristics in the form of a face wall being made of different materials (Col. 6, Lns. 4-16).

Lu lacks the different striking characteristics being modulus of elasticity, and a line of clubs. Shaw discloses selecting face piece material based on flexural modulus (Col. 2, Lns. 13-24) and a line of clubs (abstract, Col. 2, Lns. 39-59, Col. 3, Lns. 64 through Col. 4, Ln. 18) in order to suit the attributes of a specific golfer (Col. 1, Lns. 60-64). In view of the patent of Shaw it would have been obvious to modify the head of Lu to have interchangeable face walls each having a different modulus of elasticity in order to suit the attributes of a specific golfer. In view of the patent of Shaw it would have been obvious to include in the head of Lu a line of clubs each with a different face wall in order to simplify the selection process by not have to replace the face wall each time a club is being tested out for the purpose of selecting a club to buy or use.

Response to Arguments

11. The argument that it was improper to make the Office Action dated 19 February 2003 final due to there being no justification to have a new rejection with five newly cited references due to adding only the word "interchangeable" is disagreed with. None of the references in previous Office Actions specifically

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showed how a face could be interchanged. Since the meaning of this added term was not clear and since this was not a method claim, the examiner concluded that this interchangeable face wall was directed to a completed head. This was the reason for the new references. The applicant's amendment necessitated a new ground of rejection. The argument that the new abstract is of the proper length of being less than 150 words is disagreed with. The examiner counts at least 180 words. The argument that the rejection to claim 10 is improper due to their being four references to reject to claim is disagreed with. The number of references is irrelevant. What matters is that one skilled in the art would see the modifications as obvious. The examiner believes this to be the case. With the newly added element of structure to define how a face is interchangeable (during manufacture) the examiner now is able to use a lesser number of references to show that the claimed elements of structure are known in the art and obvious modifications. The argument that the reference of Elmer is improper due to Elmer not suggesting a line of golf clubs is disagreed with. Elmer was not used to show this feature. None the less there is a teaching in Elmer to promote having a line of clubs in that the face material may be of different material. Clearly not all golfers prefer the same type of face material. Shaw teaches having two different sets with different face characteristics. Combining Shaw with Elmer would make it obvious to have a line of clubs. The argument that the reference of Shaw is improper due to Shaw disclosing only a set of clubs and not a line of clubs is disagreed with. Shaw does disclose a set of clubs but clearly Shaw also discloses a line of clubs so golfers have face

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material that benefits their type of swing. In column 3 line 64 through column 4 line 18, Shaw clearly discloses a line of clubs in the form of two different sets of club with different thickness profiles for a face to benefit players of different experience levels. The argument that the reference of Lu is improper due to Lu not suggesting a line of golf clubs is disagreed with. Lu was not used to show this feature. None the less there is a teaching in Lu to promote having a line of clubs in that the face material may be of different material. Clearly not all golfers prefer the same type of face material. Shaw teaches having two different sets with different face characteristics. Combining Shaw with Lu would make it obvious to have a line of clubs.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (703) 308-1513. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. (TC 3700 Official Fax 703-872-9306)


STEPHEN BLAU
PRIMARY EXAMINER

slb/ 31 August 2004